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Attorneys for Defendants

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC,

Plaintiff,

v.

ESTATE OF SEYMOUR EPSTEIN,

MURIEL EPSTEIN, as beneficiary and of the Estate
of Seymour Epstein and/or the Trusts created by the
Last Will and Testament of Seymour Epstein, as
Executor of the Estate of Seymour Epstein, and as
trustee of Trusts created by the Last Will and
Testament of Seymour Epstein,

HERBERT C. KANTOR, as trustee of Trusts created
by the Last Will and Testament of Seymour Epstein,

Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

Adv. Pro No. 10-04438 (SMB)

RANDY EPSTEIN AUSTIN, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein,

ROBERT EPSTEIN, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein,

JANE EPSTEIN, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein,

SUSAN EPSTEIN GROSS, as beneficiary of the Estate of Seymour Epstein and/or the Trusts created by the Last Will and Testament of Seymour Epstein, and

SHELBURNE SHIRT COMPANY, INC.,

Defendants.

NOTICE OF DEFENDANTS' CROSS-MOTION FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE that, upon the Memorandum of Law, Counterstatement of Material Facts and Declaration of Helen Davis Chaitman executed and filed on October 9, 2020, with all exhibits annexed thereto, and upon all prior pleadings and proceedings herein, Defendants Estate of Seymour Epstein, Muriel Epstein as Executrix of the Estate of Seymour Epstein and the Trustee of the Trusts created by the Last Will and Testament of Seymour Epstein (the "Trusts"), Herbert C. Kantor, as trustee of the Trusts, and Shelburne Shirt Company, Inc. ("Shelburne") move this court before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge for the Southern District of New York, at the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, NY 10004-1408, for an order granting Defendants' cross-motion for summary judgment dismissing the case in its entirety for lack of subject matter jurisdiction pursuant to Rule 7056 of the Federal Rules of Bankruptcy Procedure and Rule 56 of

the Federal Rules of Civil Procedure, together with such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that Irving H. Picard's, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, answering papers to the cross-motion and reply on his motion for summary judgment shall be served and filed on or before October 30, 2020 and Defendants' reply papers to the Cross-Motion shall be served on or before November 6, 2020, as Ordered by this Court, *see Picard v. Epstein, et al*, 10-04438 (SMB), ECF No. 109. Oral argument on this Cross-Motion is presently scheduled for November 18, 2020 at 10:00 a.m.

Dated: October 9, 2020
New York, New York

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